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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,403	03/12/2004	Frank Boyer	BOYER-PA-1	7143

7590 08/01/2006

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BALTIMORE, MD 21202

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10 800403

EXAMINER

ART UNIT	PAPER
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20060728

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Stephen M. Johnson
Primary Examiner
Art Unit: 3641

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR
41.37(c)

1. Applicant's Appeal Brief, filed on 5/19/2006, is not in compliance (defective) with 37 CFR 41.37(c) for the following reasons:

1) The Status of Amendments section should be directed to the status of any amendments filed subsequent to the final rejection. (see 37 CFR 41.37 (c) (1) (iii)).

2) The Grounds of Rejection to be Reviewed on Appeal section is not accurate with regard to the third and fourth items. Since only claim 3 is intended to be included in the appeal, the grounds of rejection should not be directed to claims 1, 3-7, and 9. (see 37 CFR 41.37 (c) (1) (vi)).

Also note that the rejection of claim 3 under 35 U.S.C. 112 (first) and (second) paragraphs has not been addressed.

3) The Grouping of Claims section has been deleted from 37 CFR 41.37 and should not be included.

4) The APPENDIX A section should be directed to the claims involved in the appeal (see 37 CFR 41.37 (c) (1) (viii)). Since only claim 3 is involved in the appeal, only claim 3 (written in independent form) should be included.

2. Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

Art Unit: 3641

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
July 28, 2006